

REMARKS

Claims 1-7, 9, 12-18, and 24-29, as amended, are pending in this application. Claims 8 and 11 have been cancelled to maintain consistency with the amendments to claim 1. In this Response, Applicant has amended certain claims. In light of the Office Action, Applicant believes these amendments serve a useful clarification purpose, independent of patentability. Accordingly, Applicant respectfully submits that the claim amendments do not limit the range of any permissible equivalents.

In particular, independent claims 1, 12, and 24 have been amended to further clarify the embodiments of the present invention. As no new matter has been added by the amendments herein, Applicants respectfully request entry of these amendments at this time.

THE REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-9, 11-18, and 24-29 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,342,054 to Chang *et al.* (“Chang”), U.S. Patent No. 5,372,365 to McTeigue *et al.* (“McTeigue”), U.S. Patent No. 4,451,043 to Ogawa *et al.* (“Ogawa”), U.S. Patent No. 5,447,314 to Yamazaki *et al.* (“Yamazaki”), U.S. Patent No. 6,983,637 to Nesbit *et al.* (“Nesbit”), and further in view of U.S. Patent Publication 2004/0032970 to Kiraly *et al.* (“Kiraly”) for the reasons set forth on pages 2-10 of the Office Action.

For the sake of brevity, Applicant incorporates its discussion of Chang, McTeigue, Ogawa, Yamazaki, Nesbit, and Kiraly provided in its previous responses. As shown above, independent claims 1 and 24 have been amended to clarify features of the present invention. In particular, the claims have been amended to clarify that one aspect of the present invention includes an ultrasonic trigger that emits periodic pulses along the path of a golf club swing. The time period between the periodic ultrasonic pulses is greater than or equal to twice the distance from the ultrasonic trigger to a target area.

With respect to the Examiner’s specific rejections, the Examiner concedes that Chang is silent with respect to a trigger that uses ultrasonic waveforms, and thus it does not teach or suggest the feature of the independent claims as discussed above. Similarly, the Examiner implicitly admits that McTeigue also fails to teach or suggest a time period between the periodic ultrasonic pulses.

However, the Examiner asserts that Ogawa discloses an ultrasonic trigger that emits periodic pulses. Office Action at Page 7. In addition, the Examiner asserts that Yamazaki discloses an ultrasonic sensor. *Id.* Because the two references purportedly teach the incorporation and implementation of ultrasonic triggers being used to trigger signals in a

system, the Examiner leaps to the conclusion that the sensors would incorporate a time period between the periodic pulses. *Id.* If this unfounded assertion was not enough, the Examiner proceeds to assert that the sensors would incorporate a time period between the periodic pulses that was greater than or equal to twice the distance of the trigger to the target area. *Id.*

The Examiner does not provide any logical basis for such a conclusion because the assertion is unfounded and has no factual underpinning. Indeed, the Examiner cites to absolutely no support for such an assertion, either in the references cited or the knowledge of one skilled in the art. *Id.* In contrast, one aspect of the present invention specifically discloses such a feature, one advantage of which is to prevent interference between waves that are emitted by the ultrasonic trigger and waves that are reflected by objects within the target area. *See* Written Description at Page 6, lines 25-31 and FIG. 4. If the Examiner believes this feature of the present invention is obvious in view of the prior art, Applicant challenges the Examiner to provide prior art that teaches or suggests such a feature. Absent such proof, the Examiner has failed to meet a *prima facie* case of obviousness, and the rejection of the claims must consequently be withdrawn.

In sum, Applicant has amended various independent claims to clarify features of the present invention. The Examiner has failed to make a *prima facie* case of obviousness because there has been no showing that the features presently recited by the independent claims are taught or suggested by the prior art, or any combinations thereof. As such, reconsideration and allowance of the pending claims is respectfully requested.

CONCLUSION

All claims are believed to be in condition for allowance. Applicant invites the Examiner to contact the undersigned attorneys to discuss any issues pertaining to the patentability of the pending claims.

A Petition for an Extension of Time is submitted to extend the time for response three months to and including August 18, 2010. A Request for Continued Examination is also submitted herewith, along with the requisite fee. No other fees are believed to be due at this time. Should any other fees be required, however, please charge such fee to Hanify & King, P.C. Deposit Account No. 50-4545, Order No. 5222-017-US01.

Respectfully submitted,
HANIFY & KING
Professional Corporation

Dated: August 18, 2010

By: 

Siddhesh V. Pandit, Registration No. 58, 572

HANIFY & KING

Professional Corporation

1055 Thomas Jefferson Street, N.W., Suite 400

Washington, D.C. 20007

(202) 403-2104 Telephone

(202) 429-4380 Facsimile